

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FILED

AUG 13 2008

U. S. DISTRICT COURT
E. DISTRICT OF MO.

UNITED STATES OF AMERICA,)
v.)
Plaintiff,)
RUSSELL GENDRON,)
Defendant.)
) No. S1-4:08 CR 244 RWS

SUPERSEDING INDICTMENT

COUNT ONE

The Grand Jury charges that:

At all times pertinent to the charges in this indictment:

1. Federal law defined the term
 - (a) "minor" to mean any person under the age of eighteen years (18 U.S.C. § 2256(1));
 - (b) "sexually explicit conduct" to mean actual or simulated--
 - (i) sexual intercourse, including genital-genital, anal-genital, oral-genital, oral-anal, whether between persons of the same or opposite sex,
 - (ii) bestiality,
 - (iii) masturbation,
 - (iv) sadistic or masochistic abuse, or
 - (v) lascivious exhibition of the genitals or pubic area of any person (18 U.S.C. §2256(2)(A));
 - (c) "computer" to mean an electronic, magnetic, optical, electrochemical or other high

speed data processing device performing logical, arithmetic or storage functions, including any data storage facility or communications facility directly related to or operating in conjunction with such device. (18 U.S.C. §2256(6));

(d) "child pornography" to mean any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where--

- (A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; or
- (C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct. (18 U.S.C. §2256(8)).

2. The "Internet" was, and is, a computer communications network using interstate and foreign telephone lines to transmit data streams, including data streams used to store, transfer and receive graphic files.

3. On or about August 15, 2007, within the Eastern District of Missouri,

RUSSELL GENDRON,

the Defendant herein, did knowingly possess material that contains an image of child pornography that was produced using materials that traveled in interstate commerce, to wit, a generic black computer tower containing a Quantum Fireball hard drive that was produced outside Missouri and therefore has traveled in interstate or foreign commerce, and which contained child pornography, including but not limited to one of the following:

- a) "dlg-52.jpg" - a graphic image file depicting a minor female masturbating a male; and
- b) "dlg-53.jpg" - a graphic image file depicting a minor female performing oral sex on a male.

In violation of Title 18, United States Code, Section 2252A(a)(5)(B).

COUNT TWO

The Grand Jury further charges that:

1. The allegations contained in paragraphs one and two of Count One of this Indictment are incorporated by reference as if fully set forth herein.
2. On or about August 15, 2007, within the Eastern District of Missouri,

RUSSELL GENDRON,

the Defendant herein, did knowingly possess material that contains a visual depiction that depicts a minor engaging in sexually explicit conduct and is obscene and that was produced using materials that traveled in interstate commerce, to wit, a generic black computer tower containing a Quantum Fireball hard drive that was produced outside Missouri and therefore has traveled in interstate or foreign commerce, and which contained obscene drawings and cartoons, including but not limited to one of the following:

- a) "3D-AMD-006.jpg" - a graphic image file depicting a minor female masturbating an adult male;
- b) "3D-AMD-31.jpg" - a graphic image file depicting a minor female engaged in sexual intercourse with an adult male;
- c) "3D-BBT-34.jpg" - a graphic image file depicting a minor female engaged in sexual intercourse with an adult male;
- d) "3D-BBT-52.jpg" - a graphic image file depicting a minor female performing oral sex on a male;
- e) "3D-HWH-463.jpg" - a graphic image file depicting an adult female performing oral sex on a minor male; and

f) "3D-MPN-539.jpg" - a graphic image file depicting a minor male in a lascivious display of his genitals and masturbating an adult female.

In violation of Title 18, United States Code, Section 1466A(b)(1).

A TRUE BILL.

FOREPERSON

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